



MARYLAND DEPARTMENT OF THE ENVIRONMENT RESPONSE TO COMMNETS FOR SUBMISSIONS DURING THE HEARING

MDE received comments from the Environmental Integrity Project (EIP), Chesapeake Climate Action Network (CCAN), United Workers, Greater Baybrook Community Land Trust, the Chesapeake Bay Foundation (CBF), and Clean Water Action (CWA) at the public hearing on July 2, 2018.

Comment: A 24-hour NO_x limit of 205 ppm should not be considered RACT for the two large MWCs in Maryland.

Leah Kelly with EIP, Taylor Smith-Hams with CCAN, Destiny Watford and Gregory Sawtell with United Workers and the Greater Baybrook Land Trust, Jennifer Kunze with CWA, and Brittany Wright with CBF all commented in opposition to a 24-hour NO_x limit of 205 ppm for the Wheelabrator and Montgomery County Resource Recovery Facility municipal waste combustors.

MDE Response: Thank you for your comments and supporting documentation on the Maryland RACT SIP for the 2008 Ozone NAAQS, concerning the Municipal Waste Combustors (MWCs) portion of the RACT SIP and the applicability of a NO_x limit of 205 ppmv as RACT. Parallel to this RACT SIP process, MDE is preparing to propose new NO_x RACT standards for Large MWCs under COMAR 26.11.08.10. This proposed revision requires that Maryland's two Large MWCs shall meet more stringent, individual NO_x 24-hour block average emission rates by May 1, 2019. The Montgomery County Resource Recovery Facility shall meet a NO_x 24-hour block average emission rate of 140 ppmv. The Wheelabrator Baltimore, Inc. facility shall meet a NO_x 24-hour block average emission rate of 150 ppmv. Provided that the schedule is not delayed, a notice of proposed action for the revision will appear in the Maryland Register on August 17, 2018 and a public hearing will take place on September 21, 2018. At this time, the Department anticipates that a final action will be published in the Maryland Register on October 26, 2018, with an effective date of November 5, 2018. To the extent the adopted regulation includes emissions limits which differ from those included in this SIP submittal, the Department will submit the regulation to EPA as a supplement to the 2008 Ozone NAAQS RACT SIP in early summer 2019.

Comment: MDE failed to comply with EPA's public participation requirements for issuing the proposed RACT SIP.

Leah Kelly with EIP commented that EPA may not have complied with EPA's procedural requirements for public participation, found at 40 CFR Section 51.102.

MDE Response: EPA requires that states provide notice 30 days prior to the public comment deadline. Maryland posted the RACT SIP hearing notice on the MDE Air Quality Planning web page for 41 days, starting May 23, 2018. The notice remained on the site through the date of the public hearing, July 2, 2018. The certification of publication is included in the SIP package. The notice was also published in the Maryland Register, Volume 45, Issue 21, dated June 8, 2018, as a secondary form of notification. Maryland has fulfilled the public participation requirements.